

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESAL PRICE
LITIGATION

MDL No. 1456

CIVIL ACTION: 01-CV-12257-PBS

Judge Patti B. Saris

THIS DOCUMENT RELATES TO ALL
ACTIONS

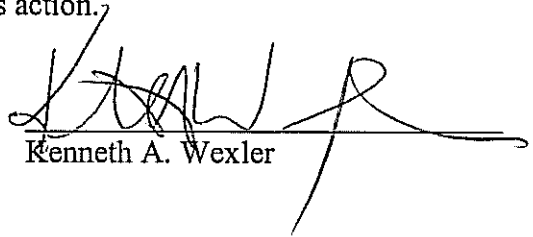
**DECLARATION OF KENNETH A. WEXLER IN SUPPORT OF PLAINTIFFS'
MOTION TO ADD B. BRAUN MEDICAL, INC. AS A DEFENDANT**

I, Kenneth A. Wexler, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am one of the Plaintiffs' attorneys in the above-captioned case. Among other things, I aided in drafting the Amended Master Consolidated Complaint ("AMCC") that plaintiffs filed, in its most recent version, on December 5, 2003.
2. Plaintiffs' Master Consolidated Complaint ("MCC") originally named as a defendant B. Braun Medical, Inc. ("BBM"). However, BBM's parent corporation, B. Braun of America, Inc. ("BBA"), was not named in the MCC.
3. After the Court's dismissal of the MCC, plaintiffs revised and amended the MCC, adding several parties and new theories of liability. By mistake, plaintiffs named only BBA without including BBM, as defendants in the AMCC.
4. The failure to name BBM as a defendant was inadvertent, and not the result of any tactical or strategic decision.
5. After realizing the error, plaintiffs conducted jurisdictional discovery, as ordered by the Court, to confirm that BBM was a proper defendant. The discovery has

made clear that BBM manufactured and marketed the drugs at issue in the AMCC
and that BBM should be a defendant in this action.

Dated: September 20, 2004



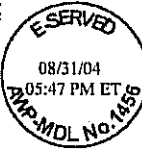
Kenneth A. Wexler

EXHIBIT B

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**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESale PRICE
LITIGATION

MDL No. 1456

Master File No. 01-CV-12257-PBS

Judge Patti B. Saris

This Document Relates to the
MASTER CONSOLIDATED CLASS
ACTION.

**STIPULATION TO AMEND THE AMCC TO ADD SPECIFIED
SUBSIDIARIES OF JOHNSON & JOHNSON AS DEFENDANTS**

Plaintiffs and Defendant Johnson & Johnson and its subsidiaries, Johnson & Johnson Health Care Systems, Inc., Ortho McNeil Pharmaceuticals, Inc. and OrthoNeutrogena, through their undersigned counsel, hereby stipulate and agree as follows:

WHEREAS:

1. Johnson & Johnson Health Care Systems, Inc. ("JJHCS"), Ortho McNeil Pharmaceuticals, Inc. ("OMP") and OrthoNeutrogena ("Neutrogena") are subsidiaries of Defendant Johnson & Johnson;

2. The Amended Master Consolidated Class Action Complaint ("AMCC") names Johnson & Johnson subsidiaries Janssen Pharmaceutica Products L.P. ("Janssen") and McNeil-PPC ("McNeil") as Defendants in relation to Together-Rx related claims (AMCC ¶¶ 102; 103), but does not name JJHCS, OMP or Neutrogena as Defendants.

3. JJHCS was a signatory to the Together Rx contract;

4. OMP and Neutrogena manufactured, marketed or distributed Together Rx drugs during the relevant time period; and

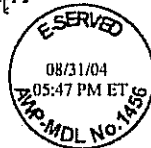
5. Plaintiffs were advised during the course of discussions with opposing counsel regarding Plaintiffs' First Requests For Production of Documents to the Together Rx Defendants that

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these entities have responsibilities relating to the Together Rx Card and are in the possession, custody and control of documents responsive to the Together Rx discovery requests,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the parties through their respective undersigned counsel, that the Intervenor's Amended Master Consolidated Complaint ("AMCC"), specifically paragraph 106 of section III(B)(15) describing the Johnson & Johnson Group, be amended pursuant to Fed. R. Civ. P. 15(a) solely to add the following parties as Defendants in relation to Counts V, VI, VII, VIII and X (claims regarding Together Rx): Johnson & Johnson Health Care Systems, Inc., Ortho McNeil Pharmaceuticals Inc., and OrthoNeutrogena.

Dated: July 15, 2004

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